



## KAMEHAMEHA SCHOOLS

February 6, 2009

Mr. Ted Matley  
U.S. Department of Transportation  
Federal Transit Administration – Region IX  
201 Mission Street, Suite 1650  
San Francisco, CA 94105

Mr. Wayne Y. Yoshioka  
Department of Transportation Services  
City and County of Honolulu  
650 South King Street, 3rd Floor  
Honolulu, HI 96813

Re: Comments on the Draft Environmental Impact Statement/Section 4(f) Evaluation  
("DEIS") for the Honolulu High-Capacity Transit Corridor Project ("Project")

Dear Messrs. Matley and Yoshioka:

Thank you for the opportunity to comment on the DEIS for the Project.

As a brief background, Kamehameha Schools ("**KS**") is a charitable educational trust, founded in 1887 through the Will and Estate of Princess Bernice Pauahi Bishop, whose mission is to provide educational opportunities to improve the capability and well-being of Native Hawaiians. KS currently offers a wide range of educational programs and services, including K-12 campus programs, preschools, financial aid, outreach programs, community education and collaborations with schools and community organizations. This past year, KS' programs and services reached more than 38,000 Native Hawaiian children and families.

In addition to providing educational programs and services, KS owns and maintains, as an important part of its ancestral and cultural legacy, over 365,000 acres of privately-held lands in Hawai'i. These lands are part of an endowment that provides the financial resources necessary to support these educational services and programs. As a Native Hawaiian educational organization, landowner and community member, KS has worked and continues to strive to work collaboratively with government, businesses, community organizations and others on solutions to the difficult challenges facing our families and communities, such as education, employment, housing, energy, food supply, sustainability, transportation and quality of life.

KS supports a rail transit system on Oahu as a long-term transportation solution. A rail transit system can provide a tremendous benefit to our communities by alleviating traffic congestion, reducing the use of fossil fuels, curbing urban sprawl, spurring development of communities and revitalizing our economy. We commend the City and County of Honolulu and the Federal Transit Administration for their hard work in initiating and carrying forward this important transit project and are appreciative of the extensive effort of our City leaders and their staff to study and publicize the impacts of this project.

Letter to Messrs. Matley and Yoshioka  
February 6, 2009  
Page 2 of 2

We received a copy of the DEIS for the Project and understand that our role or kuleana in this prescribed process is to review the DEIS and provide productive comments to help best assure the Project's successful completion. We have taken this responsibility seriously. We met with tenants and other business owners and operators on KS lands who occupy properties potentially affected by the Project to become familiar with their concerns and interests. We also retained consultants to provide us with an independent review of specific aspects of the Project. The review of the thousands of pages of highly technical materials of the DEIS has taken time, and we appreciate your efforts in providing an extension of time for responses. It has made a meaningful difference in the quality of our review.

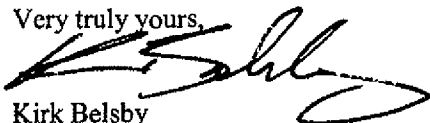
From this review, we have found many positive aspects to the DEIS and the proposed system. We have also identified, which is understandable in a document of this complexity, some items that we believe require additional study and work. In preparing our comments on those items, we have considered the potential impacts to our lands and our ability to continue to fulfill our educational mission with the returns generated from our lands; the potential impacts on the hundreds of small-and large business tenants and individuals on our lands; the potential impacts on communities where KS is diligently planning redevelopment and revitalization measures; and as appropriate, the broader potential impacts on our communities and families. In addition, we have tried to make our comments specific, productive and solution-oriented so that you may more easily address concerns with the appropriate particulars and move ahead with a successful project.

Our comments to the DEIS are set forth in full in Attachment A to this letter.

We thank you again for the opportunity to participate in this process and look forward to continuing to work collaboratively with the City to help assure the timely success of this important project, which will benefit our families and communities for many generations.

Mahalo.

Very truly yours,



Kirk Belsby  
Vice President, Endowment  
Kamehameha Schools

Enclosures

## ATTACHMENT A

Kamehameha Schools (“KS”) appreciates the opportunity to comment on the Draft Environmental Impact Statement/Section 4(f) Evaluation (“DEIS”) for the Honolulu High-Capacity Transit Corridor Project (“Project”) prepared by the City and County of Honolulu (the “City”) Department of Transportation Services (“DTS”) and the Federal Transit Administration (“FTA”). In order to provide comments that are helpful toward the success of the Project, KS retained consultants to conduct in-depth assessments of specific aspects of the Project. UltraSystems Environmental (“UltraSystems”) was retained to provide a technical review of the Project and CBRE Consulting, Inc. (“CBRE”) was retained to analyze the economic impact of the proposed Project. This process has enabled KS to offer the following comments on the Project and the DEIS.

### I. IMPACTS OF CONSTRUCTION ON BUSINESSES

KS estimates that construction of the Project could affect over one hundred of its properties and approximately one thousand of its tenants and sub-tenants, and their businesses.<sup>1</sup> Research by CBRE indicates that businesses along the construction routes of major rail systems experience significant losses. While some disruption during construction is unavoidable, losses can be minimized if positive mitigation measures are taken.

#### A. Physical Impacts

**Comment #1: Construction activities could have substantial economic impacts on businesses and more specific discussion of the construction impacts and proposed mitigation measures is requested.**

1. **Information.** Although section 4.17 of the DEIS contains a discussion of construction phasing effects, a more detailed discussion of anticipated construction impacts and the scheduling of construction activity would help businesses understand the full extent of construction-related impacts. Information such as the following is requested: (a) the number of businesses directly affected by construction activity (*i.e.*, businesses located adjacent to a construction site and on property to be acquired by the City) and indirectly affected (*i.e.*, within one mile of a construction site), (b) for various segments of the line, a more detailed estimate of the length of the construction period from commencement to conclusion of construction, including any time needed to relocate utilities prior to the commencement of construction on the actual rail system, and (c) the proposed location of construction barriers, the amount of time that barriers will be in place, specific land and street closings, and rerouted traffic patterns during construction.

2. **Concerns about Construction Activity.** KS shares in the concern noted in the DEIS that construction will disrupt traffic and limit access to and from businesses in various ways. See DEIS section 3.5.3 at 3-46 and section 4.17.1 at 4-153 to -154. In some cases, direct access to businesses will be lost or curtailed. Construction will also result in loss of available parking.<sup>2</sup> The erection of fences around construction sites will diminish the visibility of certain businesses, thus reducing customer traffic. Even if a business maintains visibility during construction, there is a general tendency for people to avoid aesthetically unappealing construction sites, or avoid construction areas where traffic flow will be seriously compromised. KS is also concerned that construction will disrupt utility service during the length of the construction period, which KS understands could last from one to five years. More detail of these impacts by neighborhood is requested.

3. **Mitigation Measures.** The DEIS proposes a mitigation plan that touches upon some of the physical impacts of construction. The DEIS states that a Maintenance of Traffic (“MOT”) Plan and

Transit Mitigation Plan (“*TMP*”) will be developed to identify measures to mitigate temporary construction-related effects on transportation. See DEIS section 3.5.7 at 3-48. The DEIS discusses the goals that the MOT Plan and TMP should achieve. Building upon that discussion, the objectives of the MOT Plan and TMP could be advanced by inclusion of the following:

(a) Agreements by project construction contractors that they will (i) ensure by necessary means (including phasing of the work) that access to businesses in the project area be maintained during project construction activities, (ii) coordinate the timing of temporary facility closures to minimize impacts to business activities in the project area – especially those with seasonal or high sales periods, (iii) minimize, as practical, the duration of modified or lost access to businesses in the project area, (iv) provide advance notice when utilities are to be disrupted especially if disruptions will be during regular business hours, and schedule major utility shut-offs during non-business hours; (v) keep roadways as clean as possible by using street sweepers and wheel washers to minimize off-site tracking; (vi) during dry periods, apply water to exposed soils to minimize airborne sediment; (vii) properly maintain construction equipment to minimize unnecessary exhaust; (viii) locate stockpile areas in less visibly-sensitive areas and, wherever possible, place them in areas that are not visible from the road, or by residents and businesses; (ix) remove visibly obtrusive erosion-control devices (e.g., silt fences, plastic ground cover, and straw bales) as soon as an area has been stabilized; (x) replace street trees and other vegetation that must be removed with appropriately sized vegetation; (xi) to the extent feasible, have the concrete decking along the cut-and-cover segments installed flush with the existing street or sidewalk levels; (xii) wherever feasible, maintain sidewalks at their current width during construction and where a sidewalk must be temporarily narrowed during construction (e.g., deck installation), restore to its current width during the balance of the construction period; (xiii) construct site fencing of good quality, capable of supporting the accidental application of the weight of an adult without collapse or major deformation; (xiv) where major boulevards must be fenced, offer the business owners the opportunity to request covered walkways in lieu of chain-link fencing; (xv) where covered walkways or solid surface fences are installed, implement a program to allow for art work (e.g., by local students) on the surface; and (xvi) where used, maintain in clean repair chain link fences.

(b) Provisions for public information campaigns to inform the community that businesses are open during project construction activities to encourage their continued patronage, including advertising of businesses.

(c) Provision for a public involvement plan prior to the beginning of project construction to inform business owners of the project construction schedule and activities and to understand their needs, and to appropriately address them, including (i) interviews of individual businesses potentially affected by construction activities to understand how these businesses carry out their work, and (ii) identifying business usage, delivery, and shipping patterns and critical times of the day and year for business activities, as well as alternate access routes to maintain critical business activities.

(d) Provisions for a program to (i) convey construction information to the community, (ii) provide public information (e.g., press releases or newsletters) regarding construction activities and ongoing business activities, (iii) enable the community to “speak” to the appropriate persons at the FTA and the Rapid Transit Division of DTS (“*RTD*”) during construction with a specific process for responding to community concerns in a timely manner, and (iv) install appropriate signage and lighting, and display other information to indicate that businesses in the construction area are open, and to direct both pedestrian and vehicular traffic to businesses via alternate routes.

(e) Provisions for a Business Disruption Mitigation Plan (“*BDMP*”) whereby the FTA and RTD will work with community residents, elected officials, local businesses, and community

organizations to tailor the mitigation program to meet community needs prior to the commencement of construction activities. KS requests that the BDMP (i) include remedies for business owners if the measures in the BDMP are not observed, (ii) be readily available for public review, (iii) have a process to inform the public of its progress in implementing the measures identified through a quarterly program of auditing, monitoring, and reporting, (iv) identify a staff person to work directly with the public to resolve construction-related problems, (v) provide for a field office during construction of the Project to address the matters described above, (vi) provide for an information and voice mail telephone line for community members and businesses to express their views regarding construction, with calls received reviewed by FTA and RTD staff and, as appropriate, forwarded to the necessary party for action (e.g., utility company, fire department, resident engineer in charge of construction operations), and (v) provide for traffic management plans as described above.

## **B. Economic Impacts**

**Comment #2: KS requests that the discussion of economic impacts in the DEIS be expanded through an independent study and recommends certain mitigation measures.**

1. **Impact on Businesses.** KS requests expansion of the economics impact analysis in the DEIS.<sup>3</sup> Presently, the DEIS provides discussion on (a) the effect of the Project on regional economics in the study corridor, including employment trends, growth, and real property tax; (b) the effect of construction on land use and economic activity; and (c) indirect effects of the Project on economic development, particularly focused on opportunities for transit-supportive development (“TSD”) and transit-oriented development (“TOD”). KS suggests supplementing the discussion with an analysis of the economic impacts of the Project (both during and after construction) from the perspective of businesses and property owners along the rail line. For example, the impact of business closures or revenue losses should be added to the economic impacts analysis. As discussed further below, research conducted by KS’ consultants regarding other transit projects indicates that construction of the Project could lead to the demise of a significant number of businesses.

Case studies of other major rail systems indicate that businesses situated along and surrounding the construction route can experience significant losses such as declines in customer numbers, sales, and in some cases, the closure of businesses. One of the most dramatic cases of this type of negative impact was in Salt Lake City, where an estimated 30 percent of local businesses closed during the construction of the TRAX system, and there were no mitigation strategies planned beforehand to reduce the impact on the businesses.

A similar situation occurred during the construction of SkyTrain’s Canada Line in Vancouver. No public subsidies were provided to retailers and some businesses claimed that revenues dropped by 70 percent. On average, 40 to 60 percent losses in revenue have been reported. As of 2007, less than a year into construction, it was reported that between 40 and 60 businesses along the line had closed, with more likely to follow, as completion of the project is not expected until 2009.

If the Project will have similar economic impacts as the case studies discussed above, the economic loss to KS, its tenants, and their businesses will be significant. Negative impacts of construction could be further exacerbated due to the current economic climate that is already challenging the viability of many businesses.

2. **Independent Study.** In light of the physical and economic impacts referenced above, KS requests that the City retain an independent urban economist to conduct a study of the economic impacts of the Project both during and after construction. The geographic scope of the study should extend beyond the areas immediately adjacent to construction because the impacts can have a blighting

effect on the surrounding community as well. The independent analysis should be based on case studies and empirical data taken from other communities with particular emphasis given to elevated transit systems similar to that proposed for Honolulu. It would also be helpful to study alternative systems (e.g., at-grade) and routes to determine if these alternatives mitigate the expected pre- and post-construction impacts.<sup>4</sup> KS requests that the public, which has not had the opportunity to review the items, be given the opportunity to review and comment on the study before it is incorporated into the Final EIS.

**3. Public Assistance Programs and Other Mitigation Measures.** Case studies indicate that public assistance is essential to keeping businesses viable during construction. During the construction of Interstate MAX-Yellow, an extension to Portland's light rail network, the transit agency Tri-Met and Cascadia Revolving Fund came together to provide assistance to affected businesses. The businesses who received assistance had to demonstrate that the construction had negatively impacted their business revenues. The success of this program is illustrated by the fact that during construction, *only one business of the 106 businesses located along the length of the light rail route closed as a direct result of construction, and only two businesses moved to another location.* For the development of another extension of the light rail line, Tri-Met started the Business Support program for ground-floor retail businesses along the light rail construction route that may be disrupted due to their reliance on established pedestrian and transit traffic.

Salt Lake City is an example of a city that has learned from its experience of not investing in a public assistance program. When Salt Lake City built its first light rail line in 1999, nearly 30% of the businesses along the rail line closed. No mitigation strategies were planned beforehand to reduce the impact on the businesses. When the University Line extension was built in 2001, however, Salt Lake City sponsored a low interest loan program available to impacted businesses, which materially reduced business closures and economic impacts.

The case studies above highlight that well-conceived mitigation and public assistance can be effective in keeping businesses intact. Programs that we respectfully request for consideration include:

- Outright assistance
- Relocation assistance
- Rent subsidies
- Property owner compensation for lost rents
- Publicly funded business advertising and promotions
- Temporary real property tax relief

## **II. POTENTIAL PARKING IMPACTS OF COMPLETED SYSTEM**

Availability of parking is important to the success or failure of the Project. Transit users who drive to stations will require parking or else be deterred from using the rail system. Thus, KS recommends that the City study and estimate the amount of parking that will be available to rail users and motorists in areas near transit stations after the Project is built.

### **A. Potential Parking Impacts**

**Comment #3: Inadequate parking for the Project will have economic consequences on surrounding businesses and properties.**

U.S. transit systems often encounter problems with providing enough off-street parking and park-and-ride lots. This results in various adverse impacts to owners with businesses and properties located near transit stations.

First, transit riders may be forced to find on-street parking, thus increasing traffic congestion in the area surrounding a transit station and/or park-and-ride lots, disrupting traffic flow, and reducing the number of street parking spaces available for non-transit users. Scarcity of parking can also be a deterrent to use of the rail system.

Second, transit users might park illegally in private retail and business parking areas, thus limiting further actual customer parking and/or increasing the cost of parking enforcement for business and property owners. An overall reduction in the amount of available parking spaces either on the street or in dedicated customer parking will discourage customers from patronizing businesses in the area.

Third, the uncertainty of the supply of parking negatively affects property owner redevelopment plans due to (i) concerns that additional lands may be condemned to provide for parking if ridership forecasts are achieved (or if ridership forecasts are not achieved and the agency determines a lack of parking availability to be the cause), or (ii) concerns that private property owners will be forced to mitigate the parking shortfall without public assistance. As acknowledged in the *Land Use Technical Report Honolulu High-Capacity Transit Corridor Project* (RTD 2008b) dated August 15, 2008 ("*Land Use Technical Report*"), KS owns many properties near the proposed Pearlridge, Kapalama, Kaka'ako, and Mo'ili'ili stations and intends to engage in redevelopment of those properties when the current leases expire. *See Land Use Technical Report* at 5-2 to 5-11. Therefore, these are important concerns to KS.

KS offers the following comments to assist the City in the refinement of its parking plans:

1. **Quantify parking needs at each transit station in the Final EIS:** Planning for parking needs begins with quantifying the number of parking stalls required for each rail station.

2. **Kapalama Station:** It appears that the City does not plan to build additional parking spaces for users of the Kapalama Station. *See* DEIS at 2-31. It is unclear where users who drive to this station can park. KS requests that the Final EIS discuss the impact on commercial tenants adjacent to this station if no off-street parking is provided to station users and the empirical basis for the determination that no station parking facilities are required.

3. **Dillingham Boulevard from Kohou Street to the rear parking lot of Costco:** On the mauka side of the roadway, the DEIS provides that all through and left-turn lanes would be preserved by acquiring 10 feet of additional right-of-way on the makai side of the roadway. What traffic impact will the acquisition of an additional right-of-way have on parking for existing land uses where ROW is acquired and what mitigation is proposed? *See Transportation Technical Report Honolulu High-Capacity Transit Corridor Project* (2008a) dated August 15, 2008 ("*Transportation Technical Report*"), Table 5-32, at 5-85.

4. **Halekauwila Street from Nimitz Highway to Ward Avenue:** Most of the existing on-street parking would be removed. What impact would this have on existing off-street parking spaces for the commercial uses located along Halekauwila Street and what mitigation is proposed? *See Transportation Technical Report*, Table 5-33, at 5-86.

5. **Dillingham Boulevard from McNeill Street to Kohou Street:** Twenty-six off-street parking spaces would be lost on Dillingham Boulevard between McNeill Street to Waiakamilo Road due to fixed guideway column placement in the median. Ten off-street parking spaces would be lost on Dillingham Boulevard between Waiakamilo Road to Kohou Street due to fixed guideway column placement on the side. *See Transportation Technical Report*, Table 5-54, at 5-114. The loss of off-street parking could impact customer and employee parking at Waiakamilo Shopping Center and buildings on both sides of Dillingham. KS requests that the Final EIS discuss the impact of the loss of these off-street

parking spaces on the commercial uses located on KS lands along Dillingham Boulevard and any proposed mitigation.

6. **Halekauwila Street from Keawe Street to Coral Street:** Sixteen on-street mauka and 22 on-street makai parking spaces would be lost on Halekauwila Street between Keawe Street to Coral Street due to fixed guideway column placement on the side. See Transportation Technical Report, Table 5-54, at 5-114. KS requests that the Final EIS discuss the impact of the loss of these on-street parking spaces on businesses located on KS owned properties and any mitigation proposed.

#### **B. Mitigation Measures For Parking**

##### **Comment #4: The City is requested to develop more specific mitigation measures for parking.**

KS notes that mitigation measures were included in the DEIS to address this issue, including the establishment of a neighborhood parking plan, but KS suggests the following additional measures:

1. **Early planning.** The DEIS appears to contemplate developing mitigation strategies for parking after significant commitments of resources have been made for the design and construction of each transit station. This is indicated by the fact that section 3.4.5 of the DEIS states that mitigation strategies for parking would be determined by surveying stakeholders within six months before implementation of fixed guideway service. See DEIS at 3-44. KS requests that specific parking strategies be devised and studied as part of this environmental review process.

2. **Parking study.** To ensure that parking impacts are fully addressed in the Final EIS, KS recommends a detailed parking study be performed for each transit stop that is predicated on the level of transit use occurring at each station and validating through more rigorous analysis how these users will access the site (e.g., pedestrian access, transit access or vehicular access). Once the study is concluded, specific mitigation measures should be developed based on the results of the study and incorporated into the Final EIS.

3. **District parking solution.** District parking garages could be developed near rail stops and paid for through transit system funding. Such systems should be located with a view toward improving transit use and facilitating redevelopment within TOD corridors.

4. **Public assistance for building parking structures.** A program of subsidies, grants, or other assistance for the construction of parking structures could be provided. For example, Portland recently approved a \$6.6 million subsidy for a parking garage for a TOD.

5. **Signage and parking permit program.** Adequate signage could be installed during and after construction for transit-parking areas and alternate business parking areas. A parking permit program could be created for on-street parking to limit impacts on local businesses by transit users monopolizing on-street parking.

### **III. IMPACTS OF COMPLETED SYSTEM ON BUSINESSES ALONG RAIL LINE AND AT TRANSIT STATIONS**

KS owns properties containing approximately 229 acres in communities that would be directly affected by the rail system along Farrington Highway, Kamehameha Highway, Dillingham Boulevard, and Halekauwila Street in Kaka'ako. KS is concerned that the Project will affect visibility of and access to the businesses on KS' properties; limit the redevelopment options available to KS and other landowners; and narrow streets, among other impacts.



**A. Physical Impacts**

**1. Traffic, Visibility, and Access to Businesses**

**Comment #5: A more detailed assessment of the reduction in visibility and access to businesses and potential mitigation measures is requested.**

a. **Visibility.** Presently, a significant percentage of KS' land holdings along the Project route are used for retail. Retail properties require good visibility to be successful. As the DEIS acknowledges on page 4-59, "[b]usiness owners have a vested interest in the visual environment surrounding their operations." KS is concerned that the elevated guideway will substantially reduce the visibility of businesses from the street level. As such, the discussion of visual impacts in the DEIS<sup>5</sup> should be expanded beyond impacts on views of "landmarks, significant views and vistas, historical and cultural sites, and Exceptional Trees." DEIS at 4-59. Impacts to visibility of businesses located along the rail line also should be considered.

b. **Access.** Businesses also depend on convenient access to and from their properties. The erection of the elevated guideway and its supporting columns, however, will eliminate left turn lanes, thus cutting off direct access to many businesses, requiring potential customers to take a circuitous route. Traffic patterns and the level of service in affected areas might change as a result. Added congestion would further discourage customers from visiting businesses along the guideway. As a related matter, to the extent the Project permanently eliminates existing street parking due to placement of the transit guideway, all of the parking-related impacts noted in **Comment #3** above become issues. Again, the number of parking spaces needed for each transit station needs to be determined carefully to prevent loss of business due to customer parking being occupied by transit users.

c. **Narrower Lanes.** The DEIS notes that in certain places, the widening of existing street medians to accommodate the columns would require reducing lane widths. See DEIS, Table 3-21, at 3-39; *Transportation Technical Report*, Table 5-29, at 5-80. Narrowing of lanes could increase the risk of traffic accidents. KS suggests that the Final EIS study such risk. KS specifically requests more information on the impact of reduction in lane widths to traffic on the following roadways that are aligned next to its properties, including (a) Farrington Highway and Waipahu Depot Road; (b) Kamehameha Highway and Kuleana Road; (c) Kamehameha Highway and Ka'ahumanu Road; (d) Kamehameha Highway and Kaonohi Street; (e) Kamehameha Highway and Lipoa Place; and (f) Kamehameha Highway and Pali Momi Street. A discussion of the impacts of lane narrowing on industrial uses (travel of large vehicles such as semi-trucks) in the Final EIS is particularly needed given the industrial uses in many of the impacted communities.

d. **Mitigation.** KS requests adoption of a mitigation plan that will (a) ensure there is adequate parking near transit stations; (b) maintain access to and from businesses; (c) maintain traffic circulation; (d) prevent traffic accidents; and (e) minimize loss of visibility due to the elevated system. To achieve these objectives, a detailed mitigation plan incorporating specific initiatives should be developed and incorporated as part of the Final EIS. Examples of the types of elements that might be incorporated into the mitigation plan include: (i) traffic signals with protected left turns at busy intersections; (ii) elongated left turning lanes off of the main roadways to accommodate the increase in motorists utilizing left turn lanes at busy intersections, and to alleviate backup along the main roadways; (iii) district parking near rail stops paid for through transit system funding; and (iv) update and supplement the traffic study contained in the *Transportation Technical Report* to address the comments stated above.

## 2. Noise and Vibrations

### Comment #6: Disclosure of noise and vibrations and their impact according to time of day.

It is our understanding that the noise analysis contained in the DEIS is based upon average hourly noise impacts rather than noise impacts at different times of the day. However, noise impacts can vary in significance depending on the time of day. For example, the impacts relative to background conditions may be more significant between 4:00 a.m. and 6:00 a.m. than during mid-day periods. Because these time-of-day differences may impact current and future uses differently, more complete disclosure of noise impacts by time of day is needed.

Assuming the DEIS used the noise impact criteria in the FTA's *Transit Noise and Vibration Impact Assessment* manual as the standard against which to evaluate noise exposures due to the Project, the impacts of noise on commercial should be studied further.

The noise sampling methodology utilized in the DEIS appears to be specific to ground level impacts. Because sound rises, there will be greater impacts on buildings (either existing or to be constructed in the future) that are constructed at heights above the proposed rail line. KS could not find discussion of these conditions in the DEIS and how the noise impacts of an elevated system might affect the viability of future TOD proximate to the rail line, particularly for uses that are noise sensitive such as residential.

## 3. Security, Transients, and Crime

### Comment #7: Additional disclosures on security, transients, and crime are requested with more specific mitigation measures.

The Final EIS should disclose that in urban areas with hot and wet climates, such as Miami and Honolulu, elevated lines can provide shelter for the homeless, increasing crime and litter and thereby detract from commercial activity and result in lower property values. Transit stations also tend to attract graffiti.

The availability of parking and safety are interrelated issues. If parking is not available near transit stations, riders will need to find off-street parking within the district or travel to stations by walking. Without addressing the issue of security patrolling and providing ample parking in safe areas, riders will not want to park multiple blocks away and walk, especially at night, in order to get to and from the rail station and their vehicles.

The DEIS does not detail mitigation options to reduce concerns raised about area crime, property vandalism and an increase in transient persons using the elevated system as temporary shelter. KS requests the Final EIS provide specific mitigation actions to be undertaken. The mitigation measures could include: (a) use of landscaping and/or security fencing to minimize the ability of transients to assemble underneath the elevated rail lines; (b) adequate security on staff (dedicated security and/or Honolulu police) to patrol the stations and surrounding areas; (c) installation of surveillance cameras and equipment, emergency call boxes, and closed-circuit television monitoring; (d) locating police neighborhood substations at transit stations; (e) conducting regular maintenance and cleaning of areas under the rail line, transit stations, and surrounding areas; and (g) designing and installing structures underneath elevated rail lines that would discourage or prevent loitering by transients.

#### 4. Visual and Aesthetic Impacts

**Comment #8: The elevated system will cause visual blight and additional details on visual and aesthetic impacts for evaluation by viewer groups would allow a more complete analysis.**

a. **Visual Blight.** An elevated system with platforms will cause visual blight. The elevated guideway will also cast shadows on adjacent buildings, reducing visibility. Glare and excessive lights from the rail line could adversely impact certain businesses during the day. Visual blight will also occur from deterioration of the system over time. These visual and aesthetic impacts may reduce tenant or customer interest in the area, increase turnover, and decrease property values. Thus, KS requests that the Final EIS include discussion of the estimated economic loss that visual impacts will cause, specific measures for mitigating such impacts, and the mechanisms for soliciting public input on mitigation measures.

#### b. Expanding Study.

i. The *Visual and Aesthetics Resources Technical Report Honolulu High-Capacity Transit Corridor Project* (2008e) dated August 15, 2008 (the “*Visual and Aesthetics Resources Technical Report*”) utilized the methodology of the Visual Impact Assessment for Highway Projects<sup>6</sup> of the Federal Highway Administration (“*FHWA*”) for the Project since it is a linear transportation facility comparable to a highway, has a similar range of issues, and because the FTA has not issued comparable guidance. The *Visual and Aesthetics Resources Technical Report* discusses how viewer groups have been categorized (i.e., residents, commuter, etc.) and indicates that viewer response to change is impacted by viewer exposure and viewer sensitivity. See *Visual and Aesthetics Resources Technical Report* at 3-2. However, the analysis provided in section 5.0 (Consequences) of the technical report contains few to no details regarding user group exposure to project alternatives for different user groups, including such factors as location, duration, and distance. KS suggests that the Final EIS provide additional clarification regarding viewer exposure and viewer sensitivity for the selected view points. We recommend that the viewer exposure response include focus groups and outreach that encompasses a broad range of stakeholders. Property owners are not included among the five user groups asked to comment on visual impacts, but should be.

ii. The expanded study should also provide 360-degree visuals for multiple cross-sections of the rail line with particular emphasis given to transit stops. To provide representative visual imagery of the Project, such 360-degree studies should include areas within the urban core and areas within the suburban landscape. We would also recommend showing these images at multiple levels for each representative cross-section, including at street grade and at elevations of 2 to 3 stories.

c. **Utility Relocation.** The DEIS notes that the Project would involve relocation and modification of existing utilities. See DEIS at 4-38. KS is concerned about the impacts that relocating above ground power and telephone lines will have on existing commercial properties that are located on KS owned land in the Dillingham Plaza area and the area to the north and south of this property. Since ten feet of land in front of these commercial uses will be acquired to allow for widening of the median in this street, it is assumed that existing above-ground poles and power/telephone lines along this street will be moved back ten feet, bringing them even closer to these commercial uses, which include the Boulevard Saimin restaurant,<sup>7</sup> Sizzler restaurant, Burger King fast food restaurant, Popeye's Chicken fast food restaurant, and other uses along this street. Bringing utility lines even closer to existing commercial uses will detract from the appearance of these uses and limit access to the properties and the ability to maintain the properties in good repair.

d. **Other Mitigation Measures.** The *Visual and Aesthetics Resources Technical Report* does identify a number of principles for minimizing, reducing, or mitigating impacts, including those related to construction. See *Visual and Aesthetics Resources Technical Report* at 6-1 to 6-2. KS generally agrees with the stated objectives, but recommends development of specific mitigation actions that will ensure substantive results. The following are the types of specific and measurable mitigation actions that could be included, although a more detailed list should be developed as these measures below would address only a limited number of the expected impacts that will arise: (a) consultation with the communities surrounding each station for input on station design elements; (b) cooperative agreements with adjacent property owners that would improve the Project's visual quality; (c) where practicable, retention of existing street trees along sidewalks and in medians, or plant new vegetation to help soften the visual appearance of project elements (e.g., stations, guideway columns, and TPSSs); and (d) use of source shielding in exterior lighting at stations and ancillary facilities such as the maintenance and storage facility and park-and-ride lots, to ensure that light sources (such as bulbs) would not be directly visible from residences, streets, and highways, and to limit spillover light and glare in residential areas.

## **B. Economic Impacts**

### **1. Business Impacts**

**Comment #9: KS requests that the discussion in the DEIS of the economic impacts of the completed system on businesses be expanded through an independent study.**

As noted in Section I above, KS requests that the Final EIS incorporate an expanded study of the economic impacts of the Project on businesses conducted by an independent urban economist. In addition to analyzing the impact of construction on businesses, the study should include an assessment of the business impacts of the completed system across a range of property types along the rail line. The analysis should result in quantifiable projections of lost revenue for current and future uses along such systems (both at transit stop locations and between transit stop locations), and business failures, and should be based on case studies of other jurisdictions where an elevated heavy rail technology is chosen rather than a light rail at-grade system. It might also be helpful to analyze the impacts of other rail systems (e.g., at-grade systems) and routes to compare the relative impacts of these alternatives. Once the impacts are identified using these empirical methodologies, the Final EIS should detail mitigation options and how these mitigation options reduce impacts on businesses.

### **2. Redevelopment**

**Comment #10: Elevated rail systems affect redevelopment options in the urban core and require additional mitigation measures**

An elevated rail system will affect KS' and other landowners' redevelopment plans by limiting the kinds of projects that can be feasibly built on lands adjacent to the rail line. New buildings constructed along the rail line would have to plan around blocked viewplanes, noise emanating directly from trains, and the aesthetics of an elevated line and transit station. To compensate for the low demand for second or third level residential or office space and restricted view planes, buildings would have to be constructed at a minimum height if adjacent to the rail system. This will, of necessity, require greater verticality in future redevelopment, which will have broader community impacts and increase construction costs.

One example of the impact of buildings adjacent to elevated rail lines is the Los Angeles Green Line. A portion of the Green Line runs on an elevated line with several stations near major office buildings and hotel projects. The elevated portion is similar to the Project, except that it is no more than

25-30 feet above grade, and the concrete Y-beam is only 24-25 feet wide. There are no retail properties along the route. One office building constructed in 1993 at the intersection of Rosecrans Avenue and Aviation Boulevard was located within 40 feet of the building's curtain wall. As a result of the obstructed view and noise, the developer experienced significant difficulty in leasing the office space on the second and third floors of the building's northeast corner. This space was the last to be leased, with the space remaining vacant for three years.

If an elevated system is selected, KS expects that buildings occupied by residents, tenants, or businesses would need to be set back to attenuate the effects of the adjacent rail system. Buildings would also be constructed on platforms above the rail line to compensate for noise, visual, and aesthetic impacts. As a result, construction costs would increase due to the increased height and the use of more expensive materials to provide soundproofing, and the potentially larger building area. These constraints effectively narrow the range of redevelopment options. It could be cost prohibitive, for example, to build relatively affordable residential units on lands fronting the rail line.

KS requests that the Final EIS analyze in greater detail the impacts of an elevated system on redevelopment. Since there are multiple references in the technical reports that future TOD could mitigate some of the negative conditions created by the transit line, we recommend that the Final EIS incorporate input from urban planning professionals, including a working group(s) from the Hawaii Chapter of the American Planning Association, the American Institute of Architects, the Urban Land Institute, or similar organization(s).

In a similar vein, KS recommends that the analysis of Project impacts on property values be revised and expanded to address the points in these comments. The DEIS anticipates that the Project will lead to an increase in property values due to the desirability of access to transit and TOD opportunities. KS' consultant's research indicates that such results may not necessarily be achieved. Further, in situations where desirable value outcomes are achieved, they seemed to have occurred in systems that are not comparable to the Project, such as at-grade designs.

#### IV. COST AND FINANCIAL ANALYSIS

##### **Comment #11: Further study of the financial feasibility of the DEIS is suggested.**

As a member of the community, KS has an interest in seeing that the feasibility of an economic undertaking as significant as the Project is thoroughly studied and based upon reliable data. The initial financial projections for the Project reported in Chapter 6 of the DEIS may not have taken into account (a) the recent economic downturn, the duration or severity of which is unknown, (b) potential additional project costs that may be necessary to mitigate impacts of the Project, including those items identified in this letter, (c) the State's recent announcement of major highway improvement projects intended to ease traffic congestion, which may affect ridership projections, and (d) cost overruns beyond the control of the governmental agency, which were experienced by other large-scale projects. In light of, and in evaluating, these types of financial issues, KS respectfully suggests that the City consider alternatives to building an elevated system. As discussed below in Section IX, building an at-grade system through at least portions of the route could be less expensive, may achieve the same transit objectives as an elevated system, and could also eliminate many of the impacts discussed in this letter.

#### V. IMPACTS OF LAND ACQUISITIONS ON KS, ITS TENANTS AND THEIR BUSINESSES

Condemnation or an acquisition by the power of eminent domain of KS' legacy lands, even partial acquisitions, impact KS, its tenants, and their businesses. More information on what areas and

interests will be acquired, when they will occur, and what interests will be compensated for would be helpful to KS and its tenants.

**Comment #12: KS requests more specific information on what will be acquired by the City and the impact of such acquisitions and compensation to be provided. Such information should assist KS and its tenants in evaluating how the acquisitions will affect their businesses.**

1. **Additional Information.** The DEIS' recognition of the procedures for acquiring and compensating for properties taken and the disclosures to be made are helpful.<sup>8</sup> The *Real Estate Acquisition Management Plan* (RTD 2008q) (the "**RAMP**") is detailed and provides certain procedural protections. However, more specific information on the acquisitions and impacts of such acquisitions would assist KS and its tenants in evaluating how the acquisitions will affect their businesses, such as, (a) information on the size of the area that will be acquired, the size of the remaining area not being acquired<sup>9</sup>, and the type of interest to be acquired<sup>10</sup>; and (b) confirmation that KS' and its lessees' buildings and other improvements will not be taken.

2. **Goodwill.** Businesses, especially small businesses operating from a location for many years, may develop valuable goodwill. "Goodwill" has been described as the benefits to a business as a result of its location, reputation for dependability, skill, or quality, and any other circumstances resulting in probable retention of old or acquisition of new patronage. The Model Eminent Domain Code and California's statute (Deering's California Codes Civil Procedure § 1263.510) provide for compensation to a business owner for the loss of goodwill. Neither the DEIS nor the RAMP discusses compensating a business owner for the loss of goodwill resulting from a full or partial acquisition (whether or not required by the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (CFR 1989) or other applicable statutory and case law). KS wishes to know whether the City intends to compensate a business owner for the loss of goodwill if the owner has to move because of reasons such as adverse impacts from construction activities, or the operation of the rail line, near the business.

4. **Economic Unit.** On a partial taking, it would seem to make sense to have parcels of land treated as a single parcel of land if they (a) are generally contiguous, (b) are in substantially identical ownership, and (c) are being used, or are reasonably suitable and available for use in the reasonably foreseeable future, for their highest and best use as an integrated economic unit.<sup>11</sup> That way, landowners and businesses are able to receive compensation for the diminution in value of the remainder parcel (the entire parcel excluding the portion acquired by the City) as the result of the Project. Clear guidance in the Final EIS on the treatment of parcels used as an economic unit and compensation for devaluation of the property not taken would assist KS, its tenants, and their business in evaluating whether they will bear a disproportionate burden of the impacts of the Project.

5. **Consequences.** The RAMP discusses the procedures for compensating property owners and businesses affected by full and partial acquisitions, however, KS' tenants and their businesses will be adversely affected if payments are delayed. In any such event, the aggrieved business owner has limited recourse against the City.<sup>12</sup> Consequently, it is suggested that the City consider including in the Final EIS a timetable for the City's compliance with the real estate process outlined in Appendix W and other portions of the RAMP (including the prompt payment of compensation after an agreement is reached) and measures to mitigate such harm caused to landowners and businesses such as a schedule of delay damages payable to the affected parties, interest on the amount due until paid, and reimbursement of reasonable attorneys' and experts' fees incurred by affected parties. In addition, to ensure fair treatment to landowners and businesses when offers of just compensation are made, condemned parties in other jurisdictions are reimbursed their attorneys' and experts' fees if the final offer price by the condemning agency is less than a certain percentage of the final judgment awarded by the court.

6. **Disclosure of Impacts.** The RAMP does provide for basic negotiation procedures where the agency is to “discuss its offer to purchase the property, including the basis for the offer of just compensation and explain its acquisition policies and procedures, including it[s] payment of incidental expenses in accordance with 49 CFR 24.106.” See, § 4.B of App. W of the RAMP. However, it does not expressly require the City to disclose to the property owner or business the impact of the Project on the remainder parcel, including the business thereon, or the date by which payment will be made. It is requested that the basic negotiation procedures specifically include the City’s disclosure of the impact of the Project on the remainder parcel, including construction disruptions, temporary and permanent access issues, noise, vibrations, etc., and compensation offered for such adverse impacts; and the date that compensation will be paid (in a pre-established schedule) and the consequences described above if payment is not made as scheduled.

7. **Subdivision.** Although the City is vested with the authority to approve the subdivision and consolidation of parcels of land, it does not usually exercise such authority when condemning property.<sup>13</sup> As such, it is requested that the RAMP (in sections describing closings) provide that on a partial taking, the City create subdivided parcels, including obtaining an order of the Land Court by the filing of the required petition and map, such that the parcel conveyed to the City and the remainder parcel are two separately subdivided parcels. Further, the City should permit the consolidation of a nonconforming (substandard) parcel with any adjoining parcel owned by or subsequently acquired by the condemnee.

8. **Non-conforming parcels.** When KS and its tenants have been left with a non-conforming parcel after acquisition by a governmental authority, they have not been able to obtain necessary building and other permits for renovation and/or redevelopment because of the non-conformity. It is requested that the City consider measures to allow reasonable development of non-conforming parcels created by the Project.

## VI. KELO CONCERNS

**Comment #13: KS requests assurances that the City will not take private property to give to another private party, whether in the context of a TOD or otherwise.**

KS believes that its properties, including its legacy lands, should not be taken through the government’s exercise of its eminent domain powers and transferred to a private party for any use. In Kelo v. City of New London, 545 U.S. 469, 125 S.Ct. 2655, 162 L.Ed. 2d 439 (2005), the U.S. Supreme Court narrowly held in a 5 to 4 decision that a city could exercise its eminent domain power by transferring property from one private party to another to promote economic development. However, the U.S. Supreme Court emphasized that nothing in its opinion precluded any state or county from imposing stricter restrictions on its eminent domain power. Many states have already imposed standards stricter than the federal standard by constitutional amendments and legislation.

Any use of the eminent domain power to take KS’ property for private development, even if it is in the context of a TOD (transit-oriented development) or TSD (transit-supportive development) would have adverse economic and social impacts on KS. It is requested that the City declare in the Final EIS that the City shall not use its power of eminent domain to take private property and subsequently transfer, by sale or otherwise, the use, ownership, or possession of the condemned property, or any portion thereof, to any person or entity for any economic development or redevelopment or any private use or development, including but not limited to industrial, residential, agricultural, commercial, hotel, resort, office, or retail use or development, whether to raise revenue or otherwise create value to help it meet financial needs for construction or operation of the Project.<sup>14</sup>

## VII. TODS AS POTENTIAL MITIGANTS

**Comment #14: TOD could be a positive mitigant to the impacts described herein; however, it is premature to rely upon the benefits until a TOD ordinance is adopted and developments are integrated into the Project through planning.**

**A. Importance of Planning.** Studies of other projects indicate that proactive planning efforts to allow high density residential and commercial development near stations are the primary cause of land value appreciation. An example cited for this is the SkyTrain system in Vancouver, where the local governments instituted long term regional planning to create new town centers around elevated transit stations. One such center is the Metrotown, a former light industrial and suburban single family neighborhood, which is reported to be home to over 6 million square feet of commercial and thousands of high rise residential units. Another example cited is the Pleasant Hill BART station area where over 2 million square feet of commercial and 2,300 residential units have been built on a 75-acre site since the mid-1980's. In both cases, rail transit was reported as the key driver behind planning and development efforts.

In contrast, where there is a lack of governmental assistance or coordination, the result may be decades of under utilized properties before any revitalization occurs. Even SkyTrain, as described above, has generated some negative impacts. Many stations have a poor reputation as magnets for crime. Development around elevated stations in the City of Vancouver has been hindered by NIMBYism and poor planning. It is reported that one year after the completion of the Expo line, the Ombudsman of British Columbia released a report addressing some negative impacts of SkyTrain, including noise, a harsh presence, loss of privacy and a depreciated enjoyment of lifestyle, all leading to reduced property values. Although in certain higher-density areas, home prices may increase near a station<sup>15</sup>, multiple studies of rail projects show that property values decrease if located near a rail line or even a station.<sup>16</sup> In certain cases, with good planning and governmental assistance, these adverse economic impacts could be partially mitigated. Examining other projects should provide a sound basis for the City to improve upon the experiences of other cities.

### **B. Integrate Land Use Planning With the Project.**

**1. Study of other rail systems.** To aid the City in identifying best practices in spurring TOD/TSD along the Project route, it is suggested that the City retain an independent urban economist to study other elevated, fixed guideway systems to evaluate and disclose both beneficial and adverse economic impacts on land values, including success stories where governmental assistance prevented or reversed decline. Public comments and input are recommended before the study is finalized.

**2. TOD Ordinance.** Furthermore, it is essential that the City enact a TOD ordinance. The DEIS has a limited discussion of TODs, but the *Land Use Technical Report* does contain a detailed discussion of land planning and a future TOD ordinance. It was anticipated that the City would develop and adopt a TOD ordinance by 2008. See, DEIS at 4-166. We remain hopeful that a bill will be introduced to the City Council in 2009. A TOD ordinance is appropriate before construction of the Project so that landowners can evaluate whether the ordinance will be an effective mitigant of the various impacts of an elevated system discussed elsewhere in this letter. In developing a TOD ordinance, consideration of the following is recommended:

**a. Elements of successful rail projects.** A study of rails systems shows that they all resulted in some negative impacts on surrounding properties, at least during construction; however, various aspects of each are also considered models for future TOD. Their success appears to be dependent upon: (i) the commitment of municipalities to employment and density; (ii) healthy real estate



market conditions; (iii) the interface and integration of rail and real estate concessions with adjoining TOD; (iv) careful phasing; and (v) public-private collaboration and the development of successful partnerships, including the establishment of the appropriate risk and revenue sharing mechanisms.

b. **Evaluation of other transit projects in other states.** Portland is often cited for having a strong planning component. It adopted policies on transit and land use that strongly encouraged TOD and is considered a model for successful development. It is reported that more than \$6 billion in development has occurred along MAX lines since the decision to build in 1978. The positive land use impacts of Portland's transit system are due to both the impact of the transit system itself as well as aggressive state, regional, and local policy. Many financial subsidies were also provided to developers to build transit oriented development. While Portland remains, in the eyes of many planners, a strong example of successful transit oriented development, there are many critiques of the city and the impacts of MAX.

c. **Implement sound planning principles.** Studies show that sound planning includes (i) giving priority to development of a TOD ordinance to encourage development along the currently planned route and future transit stations; (ii) working with consultants and landowners to ensure appropriate zoning/land uses around stations; (iii) providing tools to ensure the district receives the intended development lift<sup>17</sup>; (iv) modifying subdivision and land use ordinances to allow non-conforming lots to be consolidated and re-subdivided and to allow issuance of renovation and redevelopment permits for non-conforming lots, both as discussed above; (v) integrating parking into TOD as described above; (vi) planning for and encouraging TODs because they do not automatically occur<sup>18</sup>; including possible real property tax breaks; (vii) developing a specific timetable for the adoption of a TOD ordinance; (viii) seeking and obtaining public input on a bill for a TOD ordinance<sup>19</sup>; (ix) ensuring that the permits to construct the TOD will be issued in a timely manner; and (x) to the extent the TOD ordinance is not adopted in a timely manner, ensuring that permits will be issued for pending developments and not delayed in anticipation of the TOD ordinance.

## VIII. STUDY OF NORTH KING STREET ALIGNMENT

During the alternatives analysis phase of the NEPA/HEPA review process, the City considered two alternative alignments for the portion of the fixed guideway traversing through Kalihi and Iwilei, one aligned at North King Street and another at Dillingham Boulevard. The DEIS, however, only discusses the Dillingham Boulevard alignment. It appears that the North King Street alignment may not have been adequately studied before being eliminated as an alternative, and that there are advantages to a North King Street route that warrant it being re-examined.

### **Comment #15: Further study of the North King Street alignment is recommended**

A further evaluation of the North King Street alignment may be warranted. In the initial stages of the environmental review process for the Project, North King Street was considered for the segment of the rail system traversing through Kalihi and Iwilei. The *Alternatives Screening Memo Honolulu High-Capacity Transit Corridor Project* dated October 24, 2006, and prepared by Parsons Brinckerhoff ("Alternatives Screening Memo") listed five alignment options for this segment including elevated guideway alignments for North King Street and Dillingham Boulevard. See *Alternatives Screening Memo* at 4-17. By the time the City issued the *Alternatives Analysis Detailed Definition of Alternatives* ("Detailed Definition") and *Alternatives Analysis Report* ("Alternatives Analysis Report") both dated November 1, 2006, the North King Street and Dillingham Boulevard alignments remained as alternatives for the segment, but the remaining alignments were eliminated. See *Detailed Definition* at 6-16; *Alternatives Analysis Report* at 2-7.

The *Alternatives Analysis Report* ultimately decided that the Dillingham Boulevard alignment was optimal, and that the alignment was selected for discussion in the DEIS. See *Alternatives Analysis Report* at 6-4. One reason cited was that the Dillingham alignment would require acquisition of fewer residential parcels than the North King Street alignment. The table shows two residential parcels along the North King Street alignment that would be acquired compared to one along the Dillingham alignment. See *id.* Table 4-1, at 4-2. Unfortunately, neither the residential parcels nor the number of units on the parcels for each alignment is identified in the 2006 *Alternatives Analysis Report* to permit an evaluation of the number of residents who would be displaced under either alignment. However, Appendix B of the DEIS shows that all or portions of three residential parcels (not one as noted in the *Alternatives Analysis Report*) along Dillingham Boulevard are slated for acquisition by the City and the *Neighborhoods and Communities Technical Report Honolulu High-Capacity Transit Corridor Project* (RTD 2008d) dated August 15, 2008, at 5-17 states that along Dillingham “[p]roperty acquisitions would result in 11 residential displacements.” Thus, further evaluation would seem to be warranted to determine impacts on residents along both alignments.

The *Alternatives Analysis* states that the North King Street alignment would serve more residents than the Dillingham alignment, but notes that it would serve fewer jobs. As a general matter, serving more residents could lead to an increased ridership of rail because the rail system would be closer to people’s homes. Further, the North King alignment is a particularly attractive alternative if the City chooses not to make the stations along the Dillingham alignment more accessible by building parking garages near the stations.

The *Alternatives Analysis Report* also stated that a greater number of potentially historic properties are located along the North King Street alignment. See *id.* at 4-1. The number of historic properties located along each alignment is not quantified, and the definition of “historic properties” is unclear; it might be that certain properties are “old” but do not have social, cultural, or historic value.

It should also be noted that the Dillingham alignment will require acquisition of three times more the commercial/office parcels (22 parcels) than the North King Street alignment (6 parcels). See *id.* Building a rail line will exacerbate already difficult economic conditions for Dillingham businesses.

The *Alternatives Analysis Report* states that the Dillingham alignment would result in fewer noise impacts. See *id.* at 6-4. The basis for the conclusion is not available in the report yet should be for such an important consideration.

Finally, the State recently announced its plans for a “flyover,” an elevated two-lane roadway over Nimitz Highway, which “would run from the Ke‘ehi interchange to Pacific Street, zipping commuters through Kalihi with no way to get off until its end.” Mary Vorsino, “Hawaii Set for Years of Roadwork in ‘Huge’ \$4B Highway Plan – 6-year effort includes Nimitz ‘flyover,’ better bike access,” *Honolulu Advertiser*, Feb. 4, 2009. The impacts of the two proposed elevated structures over the parallel traffic corridors of Nimitz Highway and Dillingham Boulevard should be considered in evaluating a North King alignment.

One of the primary reasons given for choosing the Dillingham alignment is that it is projected to experience the highest transit ridership, which includes ridership on various modes of transportation (e.g., busses). See *id.* at 3-6, 6-4. However, according to data reported in the DEIS, the North King alignment is forecasted to make 128,500 daily trips on the *fixed guideway system* as opposed to 123,700 daily trips for the Dillingham alignment. See *id.* Thus, for purposes of comparing two fixed guideway alignments, the North King Street alignment actually would attract more use. Moreover, the North King Street alignment is forecasted to experience twice the number of daily boardings than the Dillingham

alignment—i.e., 10,860 daily boardings for the three stations along the North King alignment<sup>20</sup> versus 5,370 daily boardings for the two stations along the Dillingham alignment.<sup>21</sup>

For these reasons, KS requests that the Final EIS include the North King Street alignment as an alternative.

#### IX. EVALUATION OF AN AT-GRADE OR MULTI-MODAL SYSTEM IN THE URBAN CORE

*Comment #16: An at-grade or multi-modal transit system in the urban core is an alternative worth evaluating to determine whether it is a less expensive and quicker to construct than an elevated system.*

KS is supportive of a fixed guideway transit system.<sup>22</sup> The fixed guideway alternatives discussed in the DEIS utilize an elevated rail system and vary only in terms of alignment. See DEIS at S-4. None of the alternatives discussed in the DEIS appears to utilize at-grade technology for any segment of the alignment. While it is understandable why an elevated system might be utilized in rural areas of the transportation corridor, as discussed elsewhere in this comment letter, a host of adverse economic and environmental impacts are associated with an elevated guideway system, including noise, reduced visibility and access to businesses, visual blight, and increased crime. Such impacts will be greatest in the urban core where businesses and commercial land holdings are concentrated, including those of KS. For these reasons, it makes sense to consider an alternative to an elevated system at least within the urban core. KS believes that an at-grade system running from the perimeter of the urban core is a viable alternative to an elevated system based on cost, visibility impacts, urban aesthetics, construction impacts, and time to construct.

It is KS' understanding that the City did not formally reject an at-grade system as an alternative during the alternatives analysis.<sup>23</sup> Because the issue of whether the rail system should run on an elevated line instead of at-grade was never squarely raised during the alternatives analysis process, KS did not previously have the opportunity to comment on the relative merits of an at-grade versus elevated system.

It does not appear that the at-grade alternatives were adequately studied before being eliminated from consideration in the DEIS. Although at-grade alternatives were considered during the alternatives screening process, the reasons why they were not carried through to the DEIS is not explained. In fact, the *Alternatives Screening Memo* left open the option of constructing certain portions of a fixed guideway system at-grade. See, e.g., Screening Memo at 4-1, 4-4. For example, at-grade options were contemplated for the portion of the route from Leeward Community College to Aloha Stadium and from Aloha Stadium to Ke'ehi Interchange (Section 4). See *id.* at 4-10 to 4-17. The *Detailed Definition* did not discuss whether the fixed guideway system would be elevated, at-grade, or below-grade.

The *Alternatives Analysis Report* is largely silent on whether the fixed guideway alternative would be at-grade or grade-separated (or a combination). The "optimum alternative" identified in the *Alternatives Analysis Report*, which apparently became the alternative endorsed in the DEIS, was compared to other alternatives differing in terms of method (e.g., managed lane alternative, TSM alternative) and route, not above-grade versus at-grade. The only reference to an elevated fixed guideway in Chapter 6 is a statement that the Twenty-Mile Alignment "continues elevated following Nimitz Highway to Ala Moana Center." *Id.* at 6-5. Based on this chronology, it is KS' understanding that the discussion of what fixed guideway system is optimal for the urban core remains open. This is an opportune time to continue the discussions.

A ground-level transit system for the urban core is worth considering because it can meet performance demands, and it has been demonstrated to work in other cities. Los Angeles' Blue Line is an

example of a rail system that utilizes a combination of at-grade, elevated, and subterranean technology. In the urban core of Long Beach, however, the Blue Line is completely at-grade. Our research indicates that the system carries 56,000 passengers per day with 20 peak hour trains running during both morning and afternoon commutes and 10 off-peak trains.

Portland's Tri-Met system is an example of a mixed-grade system. The Portland Metropolitan Area Express ("**MAX**") Light Rail system is at-grade through downtown and runs on elevated lines to the suburbs. Other types of trains also service the downtown area.

A similar at-grade system would be a viable option for the urban core of Honolulu. KS' understanding is that the desired through-put of the Project in mixed traffic is 3-minute headways and 6,000 passengers per hour per direction ("**pphpd**"). Experts have noted that a light rail transit ("**LRT**") system running on surface streets could satisfy the criteria. Three-minute headways equate to 20 train movements per hour; thus, a capacity of 6,000 pphpd requires that each train carry 300 passengers per hour. Modern light rail vehicles ("**LRV**") have a capacity in the range of 232 passengers per car. When operated in two-car trains, LRVs can exceed the throughput requirement.

Examples of at-grade LRT systems that can achieve the specified through-put include the following:

**Alberta, Canada.** Calgary, Alberta's system provides more than 6,000 pphpd capacity on Seventh Avenue, a surface street having numerous cross streets controlled by traffic lights. Its current schedules show that Calgary Transit operates its C-Train Route 201 (Dalhousie/Bridlewell-Somerset) every 4 minutes during the weekday morning and afternoon peak periods; the C-Train Route 202 (McKnight-Westwinds/City Centre) runs along Seventh Avenue every 6 minutes during the weekday morning and afternoon peak periods. This results in a combined headway of 2 minutes, 24 seconds. With the delivery during 2007 and 2008 of 40 additional LRVs, both of the light rail lines are being operated with three trains of Siemens-built U-2 and S160 LRVs, each with a practical capacity of 162 passengers, resulting in a practical capacity along Seventh Avenue of 12,150 pphpd based on 75 LRV car movements per hour.

**Portland, Oregon.** Portland, Oregon's MAX is a three-line LRT that operates through its central business district in curbside lanes along Morrison and Yamhill Streets. The three LRT lines currently operate a combined 4-minute headway (15 trains per hour in each direction) through Pioneer Square, the center of Portland's central business district, during the weekday morning and afternoon peak hours. A fourth LRT line, which will run for 1.8 miles through the central business district along Fifth and Sixth Avenues and on a 6.5 miles-long branch to Clackamas Town Center is nearing completion and is scheduled to be placed into passenger-carrying service on September 10, 2009.

**Denver, Colorado.** Denver's Regional Transit District operates 15 LRT trains (4-minute average headways) with lengths varying between two and four cars on its D, F, and H lines along California and Stout Streets. The West Line, a third LRT now under construction, will add two additional services throughout downtown Denver.

The above examples show that an at-grade transit system for the Honolulu urban core is an option worth serious study and consideration.

Endnotes:

<sup>1</sup> KS is a landowner in Honolulu, and the proposed rail alignment traverses through four key communities in which KS has a combined land area of approximately 229 acres. In each community, the proposed rail line either bisects KS' land holdings or runs along the perimeter of its properties.

<sup>2</sup> See **Comment # 3** for a more specific discussion on parking impacts.

<sup>3</sup> This request is made pursuant to 40 C.F.R. §§ 1508.8 and 1508.14. "When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment." 40 C.F.R. § 1508.14. The *Economics Technical Report Honolulu High-Capacity Transit Corridor Project* (RTD 2008c) issued by DTS on August 15, 2008 was also reviewed in formulating this comment.

<sup>4</sup> Mitigation measures for post-construction impacts are discussed in other sections of this letter.

<sup>5</sup> Note that the *Transportation Technical Report* was also reviewed in formulating this comment.

<sup>6</sup> Publication No. FHWA HI-88-054.

<sup>7</sup> Boulevard Saimin is identified as a historic property in the DEIS. See DEIS at Table 5-2, page 5-7.

<sup>8</sup> The DEIS provides, "Acquisition of property for the Build Alternative would be conducted in accordance with Federal and State regulations and procedures outline in the Real Estate Acquisition Management Plan (RTD 2008q). Where relocations would occur, affected property owners, businesses, or residents would receive compensation in compliance with all applicable Federal and State laws. Compensation would be in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act (CFR 1989)." DEIS at S-6.

<sup>9</sup> By way of example, although there are references to increasing the width of Dillingham Boulevard by ten feet, it is unclear whether each right-of-way taking along Dillingham Boulevard will be ten feet wide.

<sup>10</sup> The maps included in Appendix B of the DEIS indicate that the rights of way acquisitions "may be in the form of an aerial easement; an easement allowing joint use; subdivision of property with transfer of title; transfer of title for the entire parcel; or some other form to be documented by Land Court registration."

<sup>11</sup> By way of example, it would make sense to treat the parcels constituting Dillingham Shopping Plaza as a single parcel because they are owned and operated as an integrated economic unit.

<sup>12</sup> Defined consequences would also ensure that the City understands that the federal requirements are not merely guidelines (notwithstanding the label of "policies" or "plan"), but are enforceable obligations to be taken seriously with consequences for failure to comply.

<sup>13</sup> For example, if the City condemns a strip of land in the middle of a parcel, the City's condemnation could create two nonconforming (substandard) parcels. The City has not allowed the consolidation of the nonconforming parcels with adjoining parcels owned by the same party. Such nonconforming (substandard) parcels adversely impact the property owner's ability to develop, sell, or lease such parcels.

<sup>14</sup> If the City does intend to use its power to take private property for private development, including any TOD or TSD, it is requested that the Final EIS (a) describe in detail any such intended use of the City's eminent domain power, (b) evaluate and disclose the economic and social impacts of such action, and (c) propose mitigation measures.

<sup>15</sup> The DEIS contains Table 4-35, at 4-169, entitled "Rail System Benefits on Real Estate Values." This summary appears to be incomplete and could be misunderstood as showing how the Project will increase "home" values if the home is located closer to the rail line.

<sup>16</sup> By way of example, a 1996 study of properties within a half mile of Portland's MAX stations had higher values but those within a half mile of the rail line, but not near a station, decreased in value. A 2004 study even showed that home values near the Chicago Midway Line station decreased in value after the rail project was completed.

<sup>17</sup> A study has shown that adjacency to transit stations is not a sufficient factor to cause development to occur. It found dozens of stations areas where no new development had occurred for 20 to 30 years. It is reported that along LA's Metro Blue Line, there has been little or no development activity along a several mile stretch of Long Beach Boulevard. Real estate professionals indicated that "the location of the transit line in the middle of the street had a significant negative impact on accessibility to retail businesses along the street.

<sup>18</sup> Development along the rail line will not likely occur automatically; governmental assistance and coordination are needed. It is reported that Portland TODs are heavily subsidized in the form of tax breaks, infrastructure subsidies, below-market land sales, and direct grants. The City of Portland has used tax incentives (\$100 million of 10-year waivers of property taxes offered to high-density residences along the light-rail line) to help overcome redevelopment hurdles. This is excluding the \$1.2 billion in tax-increment financing that Portland is offering to developers along the rail lines or similar direct subsidies offered by Portland's suburbs, including Gresham and Beaverton.

<sup>19</sup> It is important that KS, prospective investors, lenders, and affected businesses be given an opportunity to provide input on the bills. It should be noted that, the *Land Use Technical Report* provides that Kapalama has a "low potential for TOD," Table 5-1, at 5-4. KS requests further discussions with the City on the potential for TOD in Kapalama.

<sup>20</sup> This is the sum of the forecasted 3,530 boardings at the North King & Owen Street station; 2,580 boardings at the North King Street & Waiakamilo Road station; and 4,750 boardings at the North King Street at Liliha Street station. *See Alternatives Analysis Report* at Table 3-9, page 3-19.

<sup>21</sup> This is the sum of the forecasted 3,030 boardings at the Dillingham Boulevard & Mokauea Street station and 2,340 boardings at the Dillingham Boulevard & Kokea Street station. *See Alternatives Analysis Report* at Table 3-9, page 3-19.

<sup>22</sup> The term "fixed guideway" means:

(4) Fixed guideway.--The term "fixed guideway" means a public transportation facility—

(A) using and occupying a separate right-of-way or rail for the exclusive use of public transportation and other high occupancy vehicles; or

(B) using a fixed catenary system and a right-of-way usable by other forms of transportation.

49 U.S.C. § 5302(a)(4). This definition does not distinguish between elevated and at-grade systems. Furthermore, according to the *Alternatives Analysis Report* at 5-5, the FTA Section 5309 New Starts program provides funds for the construction of a "new fixed guideway" system, which "refers to any transit facility that uses exclusive or controlled rights-of-way or rails, entirely or in part. Eligible purposes for these funds include light rail line, rapid rail (heavy rail), commuter rail, automated fixed guideway system (such as a 'people mover'), a busway/HOV facility, or an extension of any of these." *Id.*

<sup>23</sup> If the City did make a formal determination that an at-grade system is inferior to an elevated system and thus rejected an at-grade system as a viable alternative, information on that determination should be provided.

<b><u>TERM</u></b>	<b><u>DEFINITION</u></b>
<b>Alternatives Analysis Report</b>	<i>Alternatives Analysis Report</i> dated November 1, 2006
<b>Alternatives Screening Memo</b>	<i>Alternatives Screening Memo Honolulu High-Capacity Transit Corridor Project</i> dated October 24, 2006, prepared by Parsons Brinckerhoff
<b>BDMP</b>	Business Disruption Mitigation Plan
<b>CBRE</b>	CBRE Consulting, Inc.
<b>City</b>	City and County of Honolulu
<b>DEIS</b>	<i>Honolulu High-Capacity Transit Corridor Project Draft Environmental Impact Statement/Section 4(f) Evaluation</i> dated November 2008
<b>Detailed Definition</b>	<i>Alternatives Analysis Detailed Definition of Alternatives Honolulu High-Capacity Transit Corridor Project</i> dated November 1, 2006, prepared by Parsons Brinckerhoff
<b>DTS</b>	Department of Transportation Services of the City and County of Honolulu
<b>EIS</b>	Environmental Impact Statement
<b>FHWA</b>	Federal Highway Administration
<b>Final EIS</b>	The Final EIS for the Honolulu High-Capacity Transit Corridor Project
<b>FTA</b>	Federal Transit Administration
<b>HEPA</b>	Hawai'i Environmental Policy Act, Hawai'i Revised Statutes, Chapter 343
<b>KS</b>	Kamehameha Schools
<b>Land Use Technical Report</b>	<i>Land Use Technical Report Honolulu High-Capacity Transit Corridor Project</i> (RTD 2008b) dated August 15, 2008
<b>LRT</b>	Light rail transit
<b>LRV</b>	Light rail vehicle
<b>MAX</b>	Metropolitan Area Express
<b>MOT Plan</b>	Maintenance of Traffic Plan
<b>NEPA</b>	National Environmental Policy Act, 42 U.S.C. § 4321 <i>et seq.</i>
<b>Pphpd</b>	Passengers per hour per day
<b>Project</b>	Honolulu High-Capacity Transit Corridor Project
<b>RAMP</b>	<i>Real Estate Acquisition Management Plan (RAMP) Honolulu High-Capacity Transit Corridor Project</i> (RTD 2008q) dated February 29, 2008 and revised on April 1, 2008
<b>RTD</b>	Rapid Transit Division of the Department of Transportation Services of the City and County of Honolulu
<b>TMP</b>	Transit Mitigation Plan
<b>TOD</b>	Transit-oriented development
<b>Transportation Technical Report</b>	<i>Transportation Technical Report Honolulu High-Capacity Transit Corridor Project</i> (RTD 2008a) dated August 15, 2008
<b>TSD</b>	Transit-supportive development
<b>UltraSystems</b>	UltraSystems Environmental
<b>Visual and Aesthetics Resources Technical Report</b>	<i>Visual and Aesthetics Resources Technical Report Honolulu High-Capacity Transit Corridor Project</i> (2008e) dated August 15, 2008

## TABLE OF CONTENTS

	Page
I. IMPACTS OF CONSTRUCTION ON BUSINESSES.....	1
A. Physical Impacts.....	1
Comment #1: Construction activities could have substantial economic impacts on businesses and more specific discussion of the construction impacts and proposed mitigation measures is requested .....	1
B. Economic Impacts .....	3
Comment #2: KS requests that the discussion of economic impacts in the DEIS be expanded through an independent study and recommends certain mitigation measures.....	3
II. POTENTIAL PARKING IMPACTS OF COMPLETED SYSTEM .....	4
A. Potential Parking Impacts.....	4
Comment #3: Inadequate parking for the Project will have economic consequences on surrounding businesses and properties. ....	4
B. Mitigation Measures For Parking.....	6
Comment #4: The City is requested to develop more specific mitigation measures for parking.....	6
III. IMPACTS OF COMPLETED SYSTEM ON BUSINESSES ALONG RAIL LINE AND AT TRANSIT STATIONS.....	7
A. Physical Impacts.....	7
Comment #5: A more detailed assessment of the reduction in visibility and access to businesses and potential mitigation measures is requested .....	7
Comment #6: Disclosure of noise and vibrations and their impact according to time of day .....	8
Comment #7: Additional disclosures on security, transients, and crime are requested with more specific mitigation measures .....	8
Comment #8: The elevated system will cause visual blight and additional details on visual and aesthetic impacts for evaluation by viewer groups would allow a more complete analysis .....	9
B. Economic Impacts .....	10
Comment #9: KS requests that the discussion in the DEIS of the economic impacts of the completed system on businesses be expanded through an independent study .....	10
Comment #10: Elevated rail systems affect redevelopment options in the urban core and require additional mitigation measures .....	10
IV. COST AND FINANCIAL ANALYSIS .....	11
Comment #11: Further study of the financial feasibility of the DEIS is suggested .....	11



## TABLE OF CONTENTS

	Page
V. IMPACTS OF LAND ACQUISITIONS ON KS, ITS TENANTS AND THEIR BUSINESSES .....	11
Comment #12: KS requests more specific information on what will be acquired by the City and the impact of such acquisitions and compensation to be provided. Such information should assist KS and its tenants in evaluating how the acquisitions will affect their businesses.....	12
VI. KELO CONCERNS .....	13
Comment #13: KS requests assurances that the City will not take private property to give to another private party, whether in the context of a TOD or otherwise.....	13
VII. TODS AS POTENTIAL MITIGANTS.....	14
Comment #14: TOD could be a positive mitigant to the impacts described herein; however, it is premature to rely upon the benefits until a TOD ordinance is adopted and developments are integrated into the Project through planning.....	14
VIII. STUDY OF NORTH KING STREET ALIGNMENT.....	15
Comment #15: Further study of the North King Street alignment is recommended.....	15
IX. EVALUATION OF AN AT-GRADE OR MULTI-MODAL SYSTEM IN THE URBAN CORE .....	17
Comment #16: An at-grade or multi-modal transit system in the urban core is an alternative worth evaluating to determine whether it is a less expensive and quicker to construct than an elevated system .....	17

